IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4199 OF 2005

Mr. Noorkhan Jafarkhan Pathan ... Petitioner

V/s

The State of Maharashtra & anr. ... Respondents

Mr. M.J. Bhatt for the petitioner.

Ms. M.P. Thakur, A.G.P. for Respondents.

CORAM: H.L. GOKHALE &
J.H. BHATIA, JJ.

DATED: 12TH JUNE, 2006

P.C.:

1. Heard Mr. Bhatt in support of this petition. Ms. Thakur, A.G.P. appears for the respondents.

2. The petition is filed to seek release of Motor Truck bearing Registration No. MH 04-H-3073. This vehicle is more than 8 years' old and since it is a commercial vehicle, it is not permitted to ply in the city of Mumbai. It has been seized in November, 2004. Mr. Bhatt appearing for the petitioner states that the petitioner is ready to shift the vehicle outside the

city of Mumbai.

3. Mrs. Thakur, learned A.G.P. appearing for the respondents points out that, in such cases the petitioners were directed to deposit certain amounts for the violation of the relevant law. She has shown us some of the orders that have been passed. In the case of repeated violations Rs.20,000/- has been directed to be deposited, whereas in other cases of violations it appears that an amount of Rs.10,000/- was directed to be deposited.

4. There is no use in keeping the vehicle seized. In the circumstances, we allow this petition on the following two terms:-

(1) The petitioner will file an undertaking with the R.T.O. that he will move the vehicle outside the Greater Mumbai area.

(2) Before removing the vehicle, he will deposit the amount of Rs.10,000/- with the R.T.O.

5. Ms. Thakur points out that, in the earlier orders,

amounts were directed to be deposited with the Chief Minister Relief Fund. We are not inclined to direct to deposit the amount over there. Let it be deposited with the R.T.O. The R.T.O. will collect the amount as a fine.

6. Petition allowed in the aforesaid terms.

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(H. L. GOKHALE, J.)

(J. H. BHATIA, J.)